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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,720	03/15/2004	Stephen Hole		2072

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UNIVENSITY SOLUTIONS  
c/o STEPHEN HOLE  
315 EAST 58th STREET, # 2A  
NEW YORK, NY 10022

EXAMINER
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SENSENIG, SHAUN D

ART UNIT	PAPER NUMBER
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3629

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03/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/799,720		HOLE, STEPHEN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shaun Sensenig		3629	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 13-47 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-47 is/are rejected.
- 7) ☒ Claim(s) 13-47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. **Claims 13-47** are objected to as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Examples includes grammatical errors (Claim 23, line 1). "An system" appears to be a typographical error that was intended to be --A system--. This and other errors appear multiple times throughout the claims.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claims 34-36 are not present in the original presentation of the claims.

**Misnumbered claims 37-50 have been renumbered as 34-47.**

### ***Claim Rejections - 35 USC § 112, Second Paragraph***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3629

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 13-47** are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Some examples include:

a) use of "and/or" (Claim 23, line 2) - This renders the claim indefinite because it is unclear as to whether it is offering an alternative or requiring both.

b) use of "etc." (Claim 29, line 7) - This renders the claim indefinite because it is unclear as to the limits of the claim.

c) lack of antecedent basis (Claim 13, lines 5-6) - There is no antecedent basis for the term "the sorority and fraternity".

d) claim dependencies - Claim 38 depends from itself and Claims 36-47 each depend from Claim 1 or Claim 2, both of which have been cancelled from the application. This renders the claims indefinite.

5. These and other errors appear multiple times throughout the claims.

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 13-37 are rejected under 35 U.S.C. 102(e)** as being anticipated by Joao (Patent No. US 6,662,194 B1).

8. In regards to **Claims 13, 23, 33, and 34-36**, Joao discloses:

A system for providing recruitment information, comprising:

(a) a memory device for storing at least one of personal and/or public schedule information and scheduling information for at least one of an individual, a club, membership organization, fraternity, and/or sorority; (Abstract and Claim 13, lines 3-4, *shows a memory containing an individual's information*)

(b) a receiver for receiving a first request, wherein the first request contains information regarding a request to obtain at least one of personal and/or public schedule information and scheduling information for at least one of an individual, a club, membership organization, fraternity, and/or sorority, wherein the first request is received from a first communication device associated with an individual or group; (Abstract and Column 14, lines 23-24, *shows a receiver that receives information*)

(c) a processing device for processing information contained in the first request, wherein the processing device generates a first message containing the at least one of

personal and/or public schedule information and scheduling information for at least one of an individual, a club, membership organization, fraternity, and/or sorority; (Abstract, lines 5-7, *shows recruitment information being processed*) and

(d) a transmitter for transmitting the first message to the first communication device, wherein the receiver receives a second request, wherein the second request contains information for at least one of reserving, engaging, and requesting, the involvement and/or participation of the at least one of an individual, a club, membership organization, fraternity, and/or sorority, wherein at least one of the processing device processes the information contained in the second request and at least one of reserves, engages, and requests, the services of the at least one of an individual, a club, membership organization, fraternity, and/or sorority, the processing device generates a second message containing information regarding the second request, and the transmitter transmits a second message containing information regarding the second request to a second communication device associated with the at least one of an individual, a club, membership organization, fraternity, and/or sorority. (Abstract; Column 14, lines 23-24, *shows a transmitter that transmits information*; and Claim 25, *shows a second request process*)

(e) a reporting component permitting at least one user of said organizational collaboration system to access the results of said process. (Column 22, lines 46-47, *shows a report accessible by a collaborator*)

As for the material describing what the components (memory, processor, transmitter, receiver, and other components) are used for and the material describing

what types of information are involved, it has been deemed to contain merely non-functional descriptive material and therefore given little patentable weight.

In addition to the above rejection, it is noted that computer systems commonly available at the time of the invention containing such applications as Microsoft Outlook (or other email applications) would contain the components presented in the claims and be capable of the processing presented in the claims.

9. In regards to **Claims 14 and 32**, Joao discloses:

A system for providing recruitment information, wherein the communication device is at least one of a personal computer, a hand-held computer, a palmtop computer, a laptop computer, a personal communication device, a personal digital assistant, a telephone, a digital telephone, a display telephone, a video telephone, a videophone, a 3G telephone, a television, an interactive television, a beeper, a pager, and a watch. (20)

10. In regards to **Claim 15**, Joao discloses:

A system for providing recruitment information, wherein the system is activated automatically upon the occurrence of the searching event. (Abstract, lines 5-7)

11. In regards to **Claim 16**, Joao discloses:

A system for providing recruitment information, wherein the information regarding the at least one individual registering to become a member of such clubs, organizations, fraternities, sororities, or other social or administrative groups, is automatically received by the receiver and automatically stored in the memory device. (Abstract; Column 14, lines 23-24; and Claim 13, lines 3-4)

Art Unit: 3629

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For example, the material used to describe the purpose of registration ("fraternities", "sororities", etc.) is deemed merely intended usage of the claim.

12. In regards to **Claim 17**, Joao discloses:

A system for providing recruitment information, wherein the system is a computer associated with at least one of the administrator, active members of such organizations, and potential new members of such organizations. (30)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For example, the material used to describe the type of entity that the computer is associated with ("administrator", etc.) is deemed merely intended usage of the claim.

13. In regards to **Claim 18-20**, Joao discloses:

A system for providing recruitment information, wherein the message is transmitted as at least one an electronic message transmission, a telephone call, a telephone message, a facsimile transmission, and a pager message. (Column 4, lines 65-67 and Column 5, lines 1-3)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore



Art Unit: 3629

accorded little patentable weight. For an example please see rejections for claims 16 and 17.

14. In regards to **Claim 21**, Joao discloses:

A system for providing recruitment information, wherein the message contains at least one of a hyperlink and a link to at least one of an individual's personal profile, a link to at least one of a college, a university, and a school, attended by an individual, a registrar's office of an individual's school, a video presentation or a video clip of an individual, and a photograph of the individual. (Column 15, line 8)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

15. In regards to **Claim 22, 30, and 31**, Joao discloses:

A system for providing recruitment information, wherein the system is utilized on or over at least one of the Internet, the World Wide Web, and a wireless communication network. (Column 4, lines 65-67 and Column 13, lines 25-26)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

16. In regards to **Claim 24**, Joao discloses:

Art Unit: 3629

A system for providing recruitment information, wherein the memory device for storing at least one of personal and/or public schedule information and scheduling information for a plurality of at least one of individuals, clubs, membership organizations, fraternities, and sororities. (Abstract, lines 2-5)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

17. In regards to **Claim 25**, Joao discloses:

A system for providing recruitment information, wherein the processing devices processes information to generate a first message containing the at least one of personal and/or public schedule information and scheduling information for at least one of an individual, a club, membership organization, fraternity, and a sorority. (Abstract, lines 5-7)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

18. In regards to **Claim 26**, Joao discloses:

A system for providing recruitment information, wherein the second request contains information regarding at least one of reserving, engaging, and requesting, the

Art Unit: 3629

involvement and/or participation of the at least one of an individual, a club, membership organization, fraternity, and a sorority. (Abstract; Column 14, lines 23-24; and Claim 25)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

19. In regards to **Claim 27 and 28**, Joao discloses:

A system for providing recruitment information, wherein the receiver receives a reply message transmitted from the second communication device, wherein the reply message contains information regarding at least one of a confirmation of the reservation, an agreement to the engagement, and a reply to the request, wherein the transmitter transmits a second reply message to the first communication device, wherein the second reply message contains information regarding at least one of the confirmed reservation, the confirmed agreement to the engagement, and the reply to the request. (Abstract; Column 14, lines 23-24; and Claim 25)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

20. In regards to **Claim 29**, Joao discloses:

A system for providing recruitment information, wherein the system at least one of makes a payment or transfer from a financial account associated with the requesting

Art Unit: 3629

individual, club, membership organization, fraternity, sorority, etc., receives a payment for a financial account associated with the at least one of an individual, club, membership organization, fraternity, sorority, etc., and administers a financial account for at least one of the individual, club, membership organization, fraternity, sorority, etc. and the at least one of an individual, club, membership organization, fraternity, sorority, etc. (Column 10, lines 31-37)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

21. In regards to **Claims 37-39 and 43-46**, Joao discloses:

A system for providing recruitment information, wherein said process comprises an employment hiring process. (Abstract)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

22. In regards to **Claim 40**, Joao discloses:

A system for providing recruitment information, wherein said reporting component is restricted in functionality by user classification. (Column 15, lines 12-13)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore

accorded little patentable weight. For an example please see rejections for claims 16 and 17.

23. In regards to **Claims 41 and 42**, Joao discloses:

A system for providing recruitment information, further comprising an input data capture component. (Column 14, lines 11-12)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

24. In regards to **Claim 47**, Joao discloses:

A system for providing recruitment information, further comprising an external access component. (20)

In addition to the above rejection, Examiner informs Applicant that the claim language comprises merely non-functional descriptive material and is therefore accorded little patentable weight. For an example please see rejections for claims 16 and 17.

### **Conclusion**

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bryce et al. Pub. No. US 2002/0143573 A1) and Drozt et al. (Pub. No. US 2004/0185890 A1).

Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/S. S./

Examiner, Art Unit 3629

January 30, 2009

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629

Application/Control Number: 10/799,720

Page 14

Art Unit: 3629